



Billing Code 3410-KS-P

DEPARTMENT OF AGRICULTURE

Agency Information Collection Activities: Request for Comments; Renewal of a

Currently Approved Collection: Representations Regarding Felony Conviction and Tax

Delinquent Status for Corporate Applicants and Awardees

AGENCY: Office of the Chief Financial Officer, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the intention of the Office of the Chief Financial Officer to request approval from the Office of Management and Budget (OMB) to renew an approved information collection associated with Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants and Awardees.

DATES: Written comments on this notice must be received by [INSERT 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] to be assured of consideration.

ADDRESSES: Comments may be submitted by either one of the following methods:

- **Federal eRulemaking Portal:** This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.
- **Postal Mail/Commercial Delivery:** Send to Director, Transparency and Accountability Reporting Division, Office of the Chief Financial Officer, Room

3027-S, Stop Code 9011, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250.

- Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@omb.eop.gov or fax (202) 395-5806.

All comments received will be available for public inspection and posted without change, including any personal information, to <http://regulations.gov>. or during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Tyson P. Whitney, Director, Transparency and Accountability Reporting Division, Office of the Chief Financial Officer, Room 3027-S, Stop Code 9011, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250; (202) 720-8978; tyson.whitney@cfo.usda.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the intention of the Office of the Chief Financial Officer to request approval from the Office of Management and Budget (OMB) to renew an approved information collection associated with Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants and Awardees.

Title: Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants and Awardees in Non-procurement Programs.

OMB Control Number: 0505-0025

Expiration Date of Approval: February 2016

Form Numbers: AD-3030 (Representations Regarding Felony Conviction and Tax Delinquent Status For Corporate Clients), AD-3031 (Assurance Regarding Felony Conviction or Tax Delinquent Status For Corporate Applicants)

Type of Request: Renewal of a currently approved information collection.

Abstract: The U.S. Department of Agriculture's (USDA) agencies and staff offices must comply with the restrictions set forth in sections 744 and 745 of the Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113-235, as amended and/or subsequently enacted), hereinafter Pub. L. 113-235, which prevents agencies from doing business with corporations that (1) have been convicted of a felony criminal violation under Federal law within the preceding 24 months preceding the award and/or (2) have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; unless the agency or staff office has considered suspension or debarment of the recipient corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government.

To comply with the appropriation restrictions, the information collection requires corporate applicants and awardees for USDA programs to represent accurately whether they have or do not have qualifying felony convictions or tax delinquencies that would prevent entrance into proposed business transactions with USDA. For non-procurement programs and transactions, these representations are collected on forms AD-3030

(Representations Regarding Felony Conviction and Tax Delinquent Status For Corporate Applicants) and AD-3031 (Assurance Regarding Felony Conviction Or Tax Delinquent Status For Corporate Applicants). This notice and proposed renewal of an approved information collection deal only with USDA non-procurement transactions. The categories of non-procurement transactions covered include: non-procurement contracts, grants, loans, loan guarantees, cooperative agreements, and some memoranda of understanding/agreement. For more specific information about whether a particular non-procurement program or transaction is included in this list please contact the USDA agency or staff office responsible for the program or transaction in question.

In Fiscal Years 2012-2014 the appropriation restriction provisions were not uniform across the government. To effectuate compliance, USDA initially created and received clearance of two sets of forms – one set for use by all USDA agencies and offices, except the Forest Service (AD-3030, AD-3031) and one set for use by the Forest Service (AD-3030-FS and AD-3031-FS). In 2015, Congress eliminated the multiple versions of the appropriation restriction provisions and enacted a single set of government-wide provisions for all agencies and departments, thereby allowing USDA to collect this data with one set of forms – AD-3030 and AD-3031. The current clearance for these forms expires February 2016. The representations continue to be required as reflected in Pub. L. 113-235. To ensure that USDA agencies and staff offices are positioned to continue compliance with the appropriation restrictions for their duration, the Office of the Chief Financial Officer is issuing this renewal approval notice for another formal three year clearance of the information collection request. Should the

appropriation restrictions become ineffective or not be continued during the three year clearance period, this information request will be canceled when it is no longer required.

Form AD-3030 (required during the application process) will effectuate compliance with the appropriation restrictions by requiring all corporate applicants to represent at the time of application for a non-procurement program whether they have any felony convictions or tax delinquencies that would prevent USDA from doing business with them. Form AD-3031 (applicable at the time of the award) requires an affirmative representation that corporate awardees for non-procurement transactions do not have any felony convictions or tax delinquencies. If the application and award process occurs in a single step, the agency or staff office may require concurrent submission of both forms. Corporations (for profit and non-profit entities) include, but are not limited to, any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, or the various territories of the United States.

Collection of this information is necessary to ensure that USDA agencies and staff offices comply with the appropriation restrictions prohibiting the Government from doing business with corporations with felony convictions and/or tax delinquencies.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 15 minutes per response.

Frequency of Collection: Other: Corporations – AD-3030 – each time they apply to participate in a multitude of USDA non-procurement programs; Awardees –AD-3031 – each time they receive an award from USDA non-procurement programs.

Type of Respondents: Corporate applicants and awardees for USDA non-

procurement programs, including grants, cooperative agreements, loans, loan guarantees, some memoranda of understanding/agreement, and non-procurement contracts.

Estimated Number of Annual Respondents: 741,544

Estimated Number of Responses Per Respondent: 2.75

Estimated Total Annual Responses: 2,039,246

Estimated Total Annual Burden Hours on Respondents: 509,812

We are requesting comments on all aspects of this information collection to help us to:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agencies and staff offices, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, technological and other forms of information technology collection methods.

All responses to this notice, including names and addresses when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Jon M. Holladay,
Chief Financial Officer.

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